

RESPONSE

AMENDMENTS

Claim 1 has been amended to further clarify the claimed invention, as suggested by the Examiner.

Claim 2 has been amended to further clarify the claimed invention, as discussed below. Support for the high stringency conditions is provided in the specification starting on page 5, paragraph 0028, line 5.

Claims 13 and 14 have been canceled.

Therefore, the amendments to the claims do not introduce new matter.

Claim Rejections

Rejections under 35 U.S.C. §112, second paragraph

In paragraph 7 of the final Office Action, Claim 2 was rejected under 35 USC 112, second paragraph. Claim 2 has been amended to include a more finite meaning for “high stringency conditions” and, as such, the rejection is overcome. The specification provides a description (page 6, paragraph 0028, line 5) of the meaning of “high stringency conditions”. Therefore, the use of the term “high stringency conditions” meets the requirements of 35 USC 112, second paragraph.

Rejections under 35 U.S.C. §112, first paragraph

In paragraph 8 of the final Office Action, Claims 1-4 and 7-12 were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking written description. In paragraph 9 of the final Office Action, Claims 1-4 and 7-12 were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement.

Claim 1 has been amended to recite “[a]n isolated polynucleotide comprising a nucleic acid sequence which encodes or is complementary to a sequence which encodes an Anthocyanin 1 (*ANT1*) polypeptide having at least 95% sequence identity to the amino acid sequence presented as SEQ ID NO:2”, as suggested by the Examiner.

Claims 13 and 14 have been cancelled.

Enablement

On paragraph 9 of the final Office Action, claims 1-4 and 7-14 were rejected under 35 USC 112, first paragraph, for lack of enablement. The Office Action stated that the specification is enabling for a polynucleotide comprising SEQ ID NO:1 or a polynucleotide encoding an amino acid sequence SEQ ID NO: 2. The Office Action also stated that the specification does not reasonably provide enablement for the broad scope of the claims.


Applicants submit that the rejection of claims 1-4 and 7-14 under 35 U.S.C. §112, first paragraph, has been adequately addressed in view of the remarks set forth above. The Examiner is thus respectfully requested to withdraw the rejection.

CONCLUSION

It is believed that all the objections and rejections raised by the Examiner have been addressed and that the application is in condition for allowance. The Examiner is encouraged to telephone the undersigned with any questions or comments regarding this response.

Respectfully submitted,

Date: June 29, 2005



Terri L. Sale
Reg. No. 45,066

EXELIXIS, INC.
170 Harbor Way, P.O. Box 511
South San Francisco, California 94083-0511
Telephone: (650) 837-7460
Facsimile: (650) 837-7179